

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** June 22, 2011

**JUDGE**  
LEONARD DAVIS

**REPORTER:** Susan Simmons & Judy Werlinger

**LAW CLERK:** Anna Phillips & Nicole Mitchell

<b>COLORQUICK LLC</b>	<b>CIVIL ACTION NO:</b>
<b>V</b>	<b>6:09-CV-323</b>
<b>VISTAPRINT LIMITED</b>	<b>JURY TRIAL - DAY 3</b>
<b>ATTORNEYS FOR PLAINTIFFS</b>	<b>ATTORNEY FOR DEFENDANT</b>
<b>SEE SIGN-IN SHEETS</b>	

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 1:00 p.m.

**ADJOURN:** 5:10 p.m.

<b>TIME:</b>	<b>MINUTES:</b>
1:00 p.m.	Trial resumed. <b>Jury not present in the courtroom.</b>
	Court addressed the parties and inquired if they had any matters before the Jury is brought in.
	Mr. Conroy addressed the Court regarding exhibit disputes. Mr. Conroy offered <b>Plaintiff's Exhibits 252, 261, and 263</b> . These exhibits are responses to interrogatories. Mr. Friel objected on grounds that a wholesale admission of interrogatory responses is improper. Mr. Friel stated that plaintiff could either read the questions and answers that are relevant or prepare a separate pleading containing only the relevant questions and answers. The Court reviewed the exhibits. Mr. Kimble advised the Court that plaintiff was amenable to creating a separate pleading as Mr. Friel suggested. The Court inquired as to when the pleading could be filed. Mr. Kimble stated by in the morning. <b>Therefore exhibits 252, 261, and 263 were not admitted.</b> Plaintiff will file a separate pleading with only the relevant interrogatory questions and answers by Thursday morning, June 23, 2011.
	Mr. Conroy offered <b>Plaintiff's Exhibit 208</b> . Mr. Friel objected, but asked if the Court would wait until this document came up in the context of trial to hear argument. Mr. Conroy agreed. The Court stated it will rule on the exhibit when it comes up during testimony. <b>Therefore the exhibit was not admitted.</b>

**DAVID J. MALAND, CLERK**

**FILED: 6.22.2011**

BY: Rosa L. Ferguson, Courtroom Deputy

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TIME:	MINUTES:
	Court encouraged the parties to communicate better.
	Mr. Friel raised the timing of trial on equitable issues. All witnesses needed for the equitable issues will be present while the jury deliberates. The Court informed the parties that the equitable issues in the case will be heard while the jury is deliberating.
	Mr. Kimble presented <b>Plaintiff's Motion to Exclude 5.1 as an Obviousness Reference. (Docket No.280)</b> . Mr. Kimble argued that Vista Print is using vistaprint.com as a single source 103 reference for the first time at trial. This is not in defendant's expert report and should be excluded. Mr. Campbell responded that this reference was disclosed as an obviousness reference in Vistaprint's 3.3 disclosures. <b>The Court denied Plaintiff's motion to exclude.</b>
1:11 p.m.	Court asked for the Jury to be brought in. <b>Jury panel seated in courtroom.</b>
	Court welcomed the jury.
	Court addressed the parties regarding exhibits.
	Mr. Kimble offered exhibits on "Plaintiff's List of Admitted Exhibits No. 3 Wednesday, June 22, 2011," marked as Plaintiff's Exhibit List 3, and without objection, exhibits admitted. Plaintiff's Exhibit List 3 lists <b>Plaintiff's Exhibits 127, 148, 161, 191-196, 233-234, and 237.</b>
	Ms. Dawson offered exhibits on "Defendant Vistaprint Limited's Exhibits Admitted At Trial Wednesday, June 22, 2011," marked as Defendant's Exhibit List 4, and without objection, exhibits admitted. Defendant's Exhibit List 4 lists <b>Defendant's Exhibits 21, 23, 26, 30-32, 41, 43, 47, 50-56, 59-64, 66-69, 71-73, 75-85, 89, 90, 95, 97-100, 102, 105-106, 108-115, 127, 134-141, 149, 152, 157-160, 162-164, 168-170, 180, 182-197, 199, 205-238, &amp; 247-251.</b>
	Court told parties to also provide a cumulative list of exhibits offered to date tomorrow.
	Court instructs jury re video depositions.
	Mr. Conroy called <b>SATISH PAI</b> by video deposition. Video played for the jury.
	Mr. Conroy called <b>PAUL LIBERMAN</b> by video deposition. Video played for the jury.
	Mr. Conroy announced that <b>Plaintiff rests.</b>
	Mr. Friel called <b>ROBERT KEANE</b> . Witness sworn by the clerk.
	Direct examination of Mr. Keane by Mr. Friel.
	Mr. Conroy objected and asked to approach (bench conference). Mr. Friel continued direct examination of Mr. Keane.
	Mr. Friel passed the witness. Cross examination by Mr. Conroy.
	Mr. Conroy objected and asked to approach. (Bench conference). The Court sustained Mr. Conroy's objection and instructed the jury to disregard the last answer. Mr. Conroy continued cross examination of Mr. Keane.
	Mr. Conroy passed the witness. No further questions.

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<b>TIME:</b>	<b>MINUTES:</b>
	Mr. Winkler called <b>SEBASTIEN COURSOL</b> . Witness sworn by the clerk.
	Mr. Winkler passed the witness. Cross examination by Mr. Kimble.
	Mr. Kimble passed the witness. No further questions.
3:10 p.m.	Court recessed until 3:25 p.m.
3:27 p.m.	Trial resumed. Mr. Friel inquired whether Defendant could argue JMOLs at this time or reserve until the end of the day. The Court advised the parties that it will hear JMOL arguments at the end of testimony today.
	Court asked for the Jury to be brought in. <b>Jury panel seated in courtroom.</b>
	Mr. Ainsworth called <b>AMEMBAL SATISH PAI</b> . Witness sworn by the clerk..
	Mr. Ainsworth passed the witness. Cross examination of Dr. Pai by Mr. Kimble.
	Mr. Kimble passed the witness. No further questions.
	Mr. Campbell called <b>CHRISTOPHER BAKEWELL</b> . (witness previously sworn).
	Mr. Campbell passed the witness. Cross examination by Mr. Conroy.
	Mr. Conroy passed the witness. No further questions.
	Court inquired regarding Defendant's next witness and future witnesses.
4:47 p.m.	Court advised the jury regarding remaining witnesses and trial time. <b>Court excused the Jury for the evening.</b>
	<b>Jury not present in the courtroom.</b> Court inquired about Motions for Judgment as a Matter of Law.
	Mr. Friel moved for JMOL on non-infringement, equitable issues, and damages. Response by Mr. Kimble. Mr. Conroy responded regarding damages. <b>Court denied.</b>
	Court addressed the parties regarding exhibits. Court addressed the parties on time limit for closing argument. The parties have been given 45 minutes for closing, but the Court inquired whether they could do it in 30 minutes. The parties shall meet and confer tonight and inform the Court tomorrow morning if 30 minutes is enough time. The Court advised parties regarding jury charge.
5:10 p.m.	<b>There being nothing further, Court adjourned for the evening.</b>